

Don Ball Reports

A WEEKLY COMMENTARY

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THE ORIGIN AND GENESIS OF FEDERAL POWER

I have but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way of judging the future but by the past.

- Patrick Henry, 1775.

GENESIS

Most Christians are willing to agree that in all spiritual matters, God is all powerful. But, when it comes to matters social and political, these same Christians are apt to believe that God has left His throne, and turned over all power to Government. As a consequence, in matters that concern eternal life, God is still God; but in matters that concern mortal life, Government has replaced God.

Whenever anything goes wrong, we appeal to Washington to make it right. If the Main Street of our home town has become old and shabby, we ask Washington for money to "rehabilitate." If we are out of a job, we expect Washington to feed us. We expect Washington to see to it that our children are educated, that our elders are medicated, that poverty be eliminated.

We should ask ourselves a simple question: If we assume that Washington is all-powerful, then why shouldn't Washington proceed on that assumption and act all-powerful? If we look to Government as God, then why shouldn't Government assume the right to act like God?

Our obeisance to Big Government has become so pronounced that nowadays we feel that we must have Government's permission before we dare affirm our trust in God in a public place (this is what the "Bible amendment" is really all about. An amendment to further weaken the Constitution assumes that the Supreme Court *had the right and authority* to prohibit prayer in public school. Actually, the Constitution is very clear on the subject, the Supreme Court has exceeded its authority and requires legislative rebuke and avoidance of its decision. An amendment to do what the Congress should do, is self-defeating).

In the broad sense, if we ask Government to do what we should be doing for ourselves, then Government has a right to assume the power to take away deposit insurance of banks or mortgage guarantees if Federal wishes are not complied with, the power to use the FBI in policing

activities once considered local, the power to regulate the stock market, the power to set up a youth corps to work in cities, the power to set up a conservation corps to work in the countryside, the power to rehabilitate cities, engage in urban renewal and mass transit activities, the power to enforce minimum wages and maximum hours, the power to police labor relations, the power to tell farmers what they may and may not grow, the power to condemn private property for any Federal project, the power to control every corporation, every business, every profession, every individual.

If we insist on being dependents of Government, then Government must have the right to control us in all things. Otherwise Government cannot do its job properly as Father of us all. So long as a son or daughter remains in the parents' home, accepting board and room, clothing and spending money, medical care and security, just that long do the parents have the right to control and "boss" that son or daughter. It is no different with Government - when Government becomes the Father of us all, we must obey in all things.

That's why Welfare Statism must end in slavery.

THE WAY BACK

You see, instead of seeking God's adoption, that we might become His children and His slaves (which is the only perfect freedom), we have asked Government to adopt us as its children (which is no freedom at all).

Or—to make a Biblical comparison—our Founding Fathers were able to establish the beginnings of a material and temporal garden of Eden. But we have listened to the subtle voice of that old serpent, and we have lost our first estate; we have become just as the rest of the world, cast out and forbidden to re-enter by the fiery sword of Big Government (which is to become World Government, that all may be our brothers).

And how do we regain that happy estate which

we have lost? Not by appealing to that Big Government which has become the monster of our own creation. Not by looking to the election of some "good man" as President, for no man can reverse the trend. Not by looking to Washington for any redress of grievances, for once having gained power over all, Big Government will not relinquish one iota of that power; rather, it will seek more ways of extending its power, as in the so-called Civil Rights Bill.

We must go back and search out the ancient landmarks. we must re-discover the roots from which our Big Government has grown; and then we must do some pruning -

One of the best statements of the required course of action which we must take, is contained in an open letter written by a Texas group to its Governor. We believe it spells out in detail the correct, legal and constitutional remedy available to us. We ask you to read this letter carefully, and then ponder the possibility of instituting similar action in your own State. Here is the letter:

Governor John Connally
State Capitol
Austin, Texas

Dear Governor Connally:

As President of Texas Voters for Enforcing the Constitution, it is my duty to bring to your attention certain constitutional matters of vital concern to the future of our State and the United States.

As Governor of the sovereign State of Texas, it is your constitutional duty and responsibility to take the legal and constitutional steps necessary to remedy the situation that, if not taken soon, will result in the final (now in progress) overthrow of our Constitution and Republican form of government and the substitution thereof of a centralist dictatorship.

The Constitution of the United States itself provides the remedy for attempted usurpations by Federal agents—Legislative, Executive and Judicial. This far-seeing protection, the founders of our unique form of government, in their wisdom, have provided for.

What is this protection and how was it provided for? Under the Treaty of Peace which ended the Revolutionary War there were established 13 separate and independent nations. After this Treaty of Peace the independence of these thirteen nations was recognized by England,

France, Spain and Russia as self-governing states among the nations of the world.

These retained all of their rights as independent states among the nations of the world until 10 years later when they reached an agreement to consolidate or unify certain divisions of the governmental functions. The matters which were to be united related to (1) national defense, (2) negotiations and agreements with foreign nations, (3) commerce among the states and with foreign nations and (4) postal facilities. It was agreed that all government matters not assigned were reserved to the states.

These arrangements became binding upon the states, when they were ratified by the people of the states.

The three agencies created by this agreement were given authority which was defined and limited. Article I defined the legislative authority to carry out the purposes for which the states had become united. (2) the executive and (3) the judicial agencies were created and their authorities were defined and limited.

The states thus became united to the extent of their acceptance of the terms of this agreement which we call the Constitution of the United States. The authority conferred by this agreement defines and limits the powers granted to these agencies by these states. There is no source of authority from which any one of these agencies can receive added powers, nor can they change the powers conferred upon them except as approved by the states and in accord with the limitations set out in the agreement. For the purpose of giving effect to the agreement all agents or employees of these agencies are required to take an oath of office as a part of their employment contract binding them to this Constitution.

We see from the above that the Constitution of the United States is, in plain and simple words, a solemn contract, with defined and limited powers granted to Federal agencies by the States, the principals.

The States being the only parties to this contract there is nowhere else to be found any legal rights or the power for its enforcement. Where Federal agents attempt to usurp powers not specifically conferred upon them in the contract (Constitution), there is no other way under our law to restore the rights of the people except in action by the States.

That the founders of our Government were aware of probable future attempts at usurpation by

7-164 Dear Mr. Andrew S.
Sincerely,
David O. Sullivan

Federal agents and made provisions therefor, is shown by many things they have said and written: -

George Washington warned in his farewell address, that our greatest danger would come from failure to control "Usurpation of Power by Federal Agents."

Benjamin Franklin said, "We have given you a Republican form of Government. See if you can keep it."

Alexander Hamilton said, "If the Federal officers exceed their powers it is 'for those from whom their powers have been derived', to do what is necessary and expedient."

The firmly established law to be applied here is that the ultra vires acts of agents are not binding upon the principals, who are the parties to this contract, unless the parties ratify the ultra vires, or unauthorized, act of the agent. This ratification may be direct and positive or it may be indirect and negative, where approval may be inferred by acquiescence, that is to say, by doing nothing.

Although the State of Texas was not an original signatory party to the agreement among the thirteen original States, it enjoys all of the privileges and is bound by all of the obligations of the original parties to that agreement, by virtue of the terms of its admission into the Union.

Attached hereto as enclosure 1 is a partial list of usurpations by Federal agents during the past several years that have gone unchallenged by the State of Texas. Why, Governor Connally?

Of the many usurpations by Federal agents during the past several years, the one that probably has, and is, doing more harm to the people of Texas and the nation, than any other, is the so-called Supreme Court decision of 1954 in the case of Davis vs. County School Board of Prince Edward County, Virginia, and Brown vs. Board of Education of Topeka, Kansas, 74US686. In this connection, I quote from a speech by General Samter Lowry, USA Retired, October 15,

States and communities, thereby completely destroying the 10th Amendment. The issue of integration, with all of its emotional appeal, was selected to crack open and destroy our constitutional rights. *Keep always in mind that integration is only the first step in a master plan to take away all of our freedom and liberty.*"

What is the legal and constitutional remedy for the situation facing the people of the State of Texas and our Nation today? You have the answer in your own hands, Governor Connally. The only remaining question is, do you have the moral courage to carry out your sworn oath to uphold and defend the Constitution?

It is your sworn duty as the Governor of the State of Texas in these circumstances, to call together the Legislature and have them determine the question of whether the President or the Congress or the Supreme Court have done a lawful act, acting within the powers given them under the terms of the Constitution or whether what they have done is an ultra vires act which is beyond the powers given them. The Legislature then acting as a part of the Government of the State of Texas can clarify the law by enacting a Statute.

If the Legislature finds the action of the agent is beyond its power they can declare it an ultra vires act, illegal and not binding within the jurisdiction of the State of Texas. When this enactment of the Legislature is signed by yourself to indicate your approval, it then becomes the law. It is then an act of the government of the State of Texas and a final expression of the sovereign right of the people in accord with the provisions of our Constitution.

It is a final determination in the State of Texas of the question - "What is the law?" We have only left the question: Have we a Nation to be ruled by Law, or by men who take unto themselves the power to rule us?

The Court can make any ruling it wishes, so long as it is applying the law, within the Constitutional area of operations allotted to it. But when it transgresses that area, no ruling of the Court can be binding on the objecting State, because it lacks constitutional authority.

constitutionally available to the State to resist illegal encroachment upon her sovereignty. Why has this "firm intention" not been carried out. Since appropriate constitutional measures have been available to the State since the date of its admission to the Union?

The list of usurpations by Federal agents is long and the time is short, Governor Connally, if we are to retain our Constitution and Republican form of government. The Texas Voters for Enforcing the Constitution now call upon you, therefore, to comply with your constitutional duty and responsibility to the citizens of Texas by calling the Legislature into special session for the purpose of enacting remedial legislation that will make known to all the world "what is the law" is the sovereign State of Texas.

We respectfully request that you give this letter and its enclosures your personal attention and advise us at the earliest possible date what action you intend to take.

Yours for Enforcing the Constitution,
John C. Williams, LL.B.
President, Texas Voters for
Enforcing the Constitution.

Copy to:

President of the United States
Governors of all the States
All Texas Legislators
All newspapers published in Texas
The Clerk of the Supreme Court of the U.S.
Attorneys General of all the States
All Legislators of each State
Agencies of press in the United States

ENCLOSURE No. 1

ARTICLE X - BILL OF RIGHTS

(Rights of the States under the Constitution)
"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

PARTIAL LIST OF USURPATIONS IN:

- 1) ALL 50 STATES - The purported ratification of the United Nations Organization Treaty. (Legislative and Executive). As its name implies, the United Nations Organization is not a sovereign nation but an Organization.

Treaties can only be made between sovereigns. This so-called Treaty is therefore unconstitutional, null and void, and only requires enactment of laws to that effect by the States to rid us of this un-American, Communist, subversive monstrosity.

- 2) ALL 50 STATES - Public Law 87-297 (See

State Department Document No. 7277), which disarms the United States and surrenders what is left of our armed might to the United Nations Organization (Legislative and Executive). Under our Constitution, no Federal agency is authorized to give away our arms and surrender our sovereignty.

- 3) SEVERAL STATES, INCLUDING TEXAS - Interference with the rights of various States in the operation of State-owned school systems, as well as with the right of the people generally to exercise powers for the protection of their morals, education, health and general welfare (Supreme Court). See Article X of the Bill of Rights, above. Furthermore any so-called ruling or decision of the Supreme Court based on the 14th Amendment is null, void and of no legal effect in any State that finds the 14th Amendment was never legally ratified and enacts a law to that effect.

- 4) STATE OF NEW YORK - Interference in the exercise of its police power to protect its people from moral degradation (Supreme Court).

- 5) STATE OF ARIZONA - The right to prevent alien enemies from being licensed to practice law within its jurisdiction (Supreme Court).

- 6) STATE OF PENNSYLVANIA - The right to investigate and eradicate enemies of the State and Nation aiming to overthrow our government (Supreme Court).

- 7) STATE OF ARKANSAS - Invasion of the State by Federal troops (Executive).

- 8) STATE OF MISSISSIPPI - Invasion of the State by Federal troops (Executive).

- 8) STATE OF ALABAMA - Invasion of the State by Federal troops (Executive).

Whether this Nation survives depends upon our determination to regain that Constitutional balance between the rights of our State and local governments and the limited and specified rights granted to our Federal government by our State governments. Nothing can be accomplished by appeals to Washington; we must address our complaints and grievances and demands to the source of Federal power: to the States and the people.

The average age of the world's great civilizations is said to be 200 years. In 13 years our United States will be 200 years old. But this cycle is not inevitable. It depends on whether we worship God or Big Government.

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